

**EXAMINER'S AMENDMENT & STATEMENT OF REASONS FOR ALLOWANCE**

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***Amendments & Claim Status***

[1] This "Examiner's Amendment & Statement of Reasons of Allowance" is responsive to "Amendment" received Sep. 30, 2009, and the attached "Interview Summary" dated Oct. 27, 2009. See Paper No. 20091026. Claims 1-13, 16-27 and 29-32 remain pending; Claims 14-15, 28, and 33-38 cancelled.

***Response to Arguments***

***Remarks Persuasive regarding Rejections Under 35 U.S.C. § 102, 103***

[2] Amendment at 8-16 regarding rejected Claims 1-3, 5-6, 14, 18-19, and 23-34 under 35 U.S.C. § 102(b) as being anticipated by Foote et al. (U.S. Pat. No. 6,404,925), rejected Claims 4, 7, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Foote in view of Petrovic (Transformed Hidden Markov Models; Estimating Mixture Models of Images and Inferring Spatial Transformation in Video Sequences, Computer Visions and Pattern Recognition, 2000, Vol. 2, pg 16-33); rejected Claims 20-21 and 25-26 under 35 U.S.C. § 103(a) as being unpatentable over Foote in view of Jolic et al. (Learning Flexible Sprites in Video Layers, Proc. of IEEE Conf. On Computer Vision and Pattern Recognition, 2001, pg. 1-8) have been respectfully and fully considered, and are found persuasive.

***Claim Rejections - 35 U.S.C. § 102-103***

[3] In response to Amendment at 7-9, the previous 35 U.S.C. § 102-103 rejections are withdrawn.

***Formal Examiner's Amendment***

[4] This formal Examiner's Amendment is responsive to the telephone interview dated Sep. 28, 2009. See attached "Interview Summary".

Examiners may use an examiner's amendment to correct a non-compliant amendment filed by the applicant if the amendment would otherwise place the application in condition for allowance (e.g., a reply to a non-final Office action or an after- final amendment includes an incorrect status identifier). See MPEP § 714, subsection I.I.E. Examiner's Amendments.

M.P.E.P. § 1302.04.

[5] Authorization for this examiner's amendment was given in a telephone interview with Katrina Lyon (Reg. No. 42,821) on Oct. 27, 2009.

This formal Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

*Amendment to the Claims*

Claim 15, line 1:

"The system of Claim [[15]] 1 further comprising incrementing"

***Allowable Subject Matter***

[6] Claims 1-13,16-27 and 29-32 allowed.

*Reasons for Allowance*

[7] The following is an examiner's statement of reasons for allowance:

Regarding Claim 1, while the prior art of record teaches Claim 1, Mar. 3, 2009 (see Office Action at p. 5-7, Jun. 30, 2009), the prior art of record does not teach using the posterior of the observed data to update the probabilistic model parameters.

Claims 2-13 and 16-22 allowable by dependency.

Regarding Claim 23, while the prior art of record teaches Claim 23, Mar. 3, 2009 (see Office Action at p. 8-9, Jun. 30, 2009), the prior art of record does not teach maximizing a lower bound on a log-likelihood of each image frame by inferring approximations of variational parameters

[8] Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

#### Citation of Pertinent Prior Art

[9] The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US 6591146 B1; US 7113185 B2; and US 7127127 B2.

[10] Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID P. RASHID whose telephone number is (571)270-1578 and fax number (571)270-2578. The examiner can normally be reached Monday - Friday 7:30 - 17:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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